

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NELSON OCASIO,	:
	:
Plaintiff,	:
	:
v.	:
	:
MAYOR MICHAEL CIACH, COUNCIL	:
PRESIDENT CHRISTINE PETERSON,	:
and THE BOROUGH OF UPLAND,	:
	:
Defendants.	:

ORDER

AND NOW, this 3rd day of August, 2017, upon consideration of Defendants' Motion for Partial Dismissal and Defendants' Motion to Strike (Doc. No. 11) and Plaintiff's Opposition thereto (Doc. No. 12), it is hereby ORDERED that:

- (1) Defendants' Motion for Partial Dismissal is GRANTED in part and DENIED in part;
- (2) All claims against Defendant Borough of Upland and Defendants Michael Ciach and Christine Peterson in their official capacities are hereby DISMISSED WITH PREJUDICE;
- (3) Count II and Count III of Plaintiff's Complaint are hereby DISMISSED WITH PREJUDICE;
- (4) Plaintiff's claims in Count I and Count IV against Defendants Michael Ciach and Christine Peterson in their individual capacities will be permitted to proceed, except that any claims against the remaining Defendants for conspiracy to

violate the First Amendment or Whistleblower Act are DISMISSED
WITH PREJUDICE;

(5) Defendants' Motion to Strike is DENIED.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.